

PTO 72

Docket No.: T4025.0036/P036
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masayuki Hori

Application No.: 10/799,699

Confirmation No.: 8980

Filed: March 15, 2004

Art Unit: 2609

For: OPTICAL DISC REPRODUCING
APPARATUS

Examiner: K. Shen

PETITION UNDER 37 C.F.R. § 1.181(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition under 37 C.F.R. § 1.181(a) requesting withdrawal of the holding of abandonment of the above-captioned application.

On November 14, 2007, Examiner Shen advised Applicant's representative that a response to the Office Action mailed May 3, 2007 had not been received; and that the application consequently became abandoned on November 3, 2007. For the reasons below, Applicant respectfully requests that the holding of abandonment be withdrawn.

According to M.P.E.P. § 711.03(c)IB:

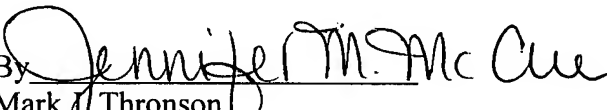
[A]pplicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment.

An Amendment in Response to Non-Final Office Action was timely filed on August 3, 2007. A copy of the as-filed Amendment as originally filed is attached with a copy of the date-stamped postcard acknowledging receipt of the Amendment by the Office on August 3, 2007. In view of the foregoing, it is respectfully requested that the holding of abandonment be withdrawn and that the Amendment be entered.

It is believed that no fees should be required. However, should any fees be required, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 04-1073, under Order No. T4025.0036/P036.

Dated: November 15, 2007

Respectfully submitted,

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